

SO ORDERED: February 21, 2012.



**Basil H. Lorch III**  
**United States Bankruptcy Judge**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

In re:

EASTERN LIVESTOCK CO., LLC, et al.,<sup>1</sup>

Debtors.

:  
: Chapter 11  
:  
: Case No.: 10-93904-BHL-11  
:  
:  
:

**ORDER GRANTING IN PART AND CONTINUING IN PART THE MOTION OF  
FIFTH THIRD BANK, N.A. TO LIMIT DISCOVERY, OR, ALTERNATIVELY, FOR A  
PROTECTIVE ORDER**

This matter came before the Court upon the *Motion of Fifth Third Bank, N.A. to Limit Discovery or, Alternatively, for a Protective Order* [Docket No. 1005] (“the Motion”). The Court, after considering the Motion, and having heard to oral arguments on February 13, 2012, now finds that granting a form of the relief requested by the Motion is in the best interest of the estate. It is therefore,

ORDERED (1) that special counsel for the Trustee shall be permitted to conduct depositions pursuant to Fed. R. Bankr. P. 2004 in furtherance of his investigation, and shall be

<sup>1</sup> The Debtor entities are Eastern Livestock Co., LLC and Okie Farms, L.L.C.

permitted one day of seven hours to complete the deposition of each witness he deposes; (2) that the scope of the Trustee's Rule 2004 examinations shall be limited to determining if the estate has any claims against Fifth Third Bank; (3) that special counsel for the Trustee shall take the lead in the Rule 2004 examinations, though he may permit Daniel J. Donnellon and/or John M. Rogers to ask additional questions at his discretion, provided that the scope of the questions is limited to determining if the estate has any claims against Fifth Third; (4) that parties are permitted to attend the Rule 2004 examinations via teleconference or, when available, video conference; (5) that counsel for First Bank and Trust, Co. shall prepare and distribute a proposed deposition discovery protocol for the other parties' review and agreement, ensuring that deposition discovery in the above captioned case and related adversary proceedings is as efficient and inexpensive as reasonably possible, (6) that any disagreements over the terms of the deposition discovery protocol will be resolved by the Court via telephone, and (7) that the proposed deposition discovery protocol will be submitted to the Court before the next Omnibus hearing on March 12, 2012.

# # #